

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.5516 of 2015

Arising Out of PS.Case No. -57 Year- 2014 Thana -HARIZAN District- BEGUSARAI

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1. Sunil Singh S/o Late Mahavir Singh
2. Kanhaiya Singh @ Kanhaiya Kumar S/o Sunil Singh
3. Sanjeev Kumar S/o Sunil Singh
All Resident of village - Bari Aghu, P.S. Muffasil, District - Begusarai
..... Petitioner/s

Versus

The State of Bihar

..... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 10-02-2015

Heard both sides.

The petitioners, namely, Sunil Singh, Kanhaiya Singh @ Kanhaiya Kumar and Sanjeev Kumar, apprehend their arrest in a case registered under Sections 341, 323, 448, 504, 427/34 of the Indian Penal Code and Section 3(i)(R) of SC/ST (POA) Act.

The informant made allegations against the petitioners that Sunil Singh abused her by naming his caste and exhorted his sons to assault the informant. On such, Kanhaiya Singh and Sanjeev Kumar assaulted the informant.

Learned counsel for the petitioners submits that the allegations are false and concocted. No offence under any section of SC/ST (POA) Act is made out. The informant is a neighbour of the petitioners. The dispute arose on account of the fact that the

informant wanted to encroach the land of the petitioners for construction of her house. The informant also lodged Muffasil P.S. Case No. 132/2013 under different sections of the Indian Penal Code and Section 3(x) of the SC/ST (POA) Act against the petitioner no. 1.

Learned Spl. P.P., on the other hand, opposed the prayer for anticipatory bail.

From perusal of the contents of the F.I.R. itself, it appears that the occurrence did not take place in full public view. The informant is a neighbour of the petitioners and, on account of land dispute, the occurrence is said to have taken place.

Considering the facts aforesaid, the above named petitioners, in the event of their arrest or surrender before the learned court below within a period of four weeks from the date of receipt / production of a copy of this order, are directed to be enlarged on bail on furnishing bond of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Begusarai in SC/ST P.S. Case No. 57/2014, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Prabhat Kumar Jha, J)

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